

REMARKS

It is respectfully contended that claims 2 and 3 are not anticipated by the Japanese '503 publication. Each claim define a porous medium which comprises two portions having a predetermined porosity. These porosities are predetermined by independently pressing these first and second portions. According to the Office Action, this distinction is irrelevant because it relates to a process for making a product. This assertion is respectfully traversed. This assertion is relevant because it relates to a characteristic of the porous media defined by independent claims 2 and 3 that is not taught in the Japanese '503 publication. According to the Japanese publication, a high-density, homogeneous molding is obtained. Japanese publication even fails to disclose that the molding is a porous medium.

It is respectfully contended that claim 8 is not anticipated by the Takahar '917 patent. Claim 8 defines a porous medium having a porosity of 70% or more. While the Takahar patent teaches a porosity greater than 50%, nothing in Takahar discloses that the process is capable of achieving a porosity greater than 70%. There are many, many examples in the Takahar patent and none of them have a porosity of 70% or more. Clearly, Takahar's method for preparation of an open cell porous metallic material merely provides porosities of less than 70%.

It is respectfully contended that claim 11 is not anticipated by the French publication. Claim 11 defines a mold apparatus comprising first and second dyes which are arranged to separately press first and second portions of a slurry. The French publication fails to disclose such a mold apparatus. The French publication describes an isostatic compression process without first and second dyes which are arranged to separately press first and second portions of a slurry.

It is respectfully contended that claims 1, 4, 5, 9 and 10 are not unpatentable over the combination of the Nakano '863 patent as the primary reference and the Takahar '917 patent as the secondary reference. According to the Office Action, it would have been obvious to one of ordinary skill in the art to use the teaching of Takahar in Nakano's method to provide a porous structure having a porosity greater than 50%. This assertion is respectfully traversed. The central teaching of Nakano is that a slurry is packed densely in the interstices between individual fibers of a fibrous preform in order to create a structure having a very small pore content, e.g., 15% in porosity. Takahar, which discloses a process for making a porous structure having a porosity of between about 50% and 69.4%, is completely at odds with this central teaching of Nakano. Thus, there is no suggestion in Nakano and Takahar to combine these two teachings in the manner suggested in the Office Action.

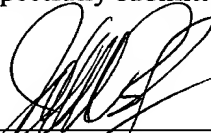
In re Appln. of Charles LOVE
Application No. 09/763,597

It is respectfully contended that claims 12 and 13 are patentable over the combination of the Japanese publication and the Johnson et al. 406 patent. Claims 12 and 13 depend from independent claims 2 and 3, respectfully, and are patentable for the same reasons that independent claims 2 and 3 are patentable.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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